



UNITED STATES DEPARTMENT OF COMMERCE  
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SR

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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08/691,900    08/01/96    APTE    J    2-4

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TM02/1106

EXAMINER

ROMAIN, J

ART UNIT

PAPER NUMBER

2163

18

DATE MAILED:

11/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SR

# Office Action Summary

Application No.

08/691,900

Applicant(s)

Examiner

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 8-13-01.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-36, 41-42, 48-52, and 54-60 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-36, 41-42, 48-52, and 54-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

SAM RIMELL  
PRIMARY EXAMINER  
AS 2-166

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## DETAILED ACTION

### Response to Amendment

1. This office actions is responsive to the amendment filed on August 13, 2001 in which applicant has amended claims 1, 13, 22 and 41 to overcome the 112 second rejection.
2. Concerning the interview on November 2, 2001, the amendment to claims 1, 35, 41 and 48 has been entered but does not place the application in condition for allowance.

### *Claim Rejections - 35 U.S.C. § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1, 2, 4-5, 7-11, 22, 25, 27, 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (US 5,740,549) in view of Judson et al (5,721,721) as set forth in the prior office action of paper number 15.

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3. Claims 3 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (US 5,740,549) as applied to claim 1 above, and further in view of Hawkins (Electronic Advertising) as set forth in the prior office action of paper number 15.

4. Claims 6, 15 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (US 5,740,549) as applied to claim 1 above, and further in view of Scroggie (6,185,541) as set forth in the prior office action of paper number 15.

5. Claims 12, 23, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (US 5,740,549) as applied to claim 1 above, and further in view of Trader et al (5,909,670) as set forth in the prior office action of paper number 15.

7. Claims 13, 14, 16-21, 24, 28, 29, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (US 5,740,549) in view of Judson et al (5,721,721) and further in view of Hawkins (Electronic Advertising) as set forth in the prior office action of paper number 15.

8. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (US 5,740,549) in view of Judson (US 5,737,619), and further in view of Hawkins (Electronic Advertising) as set forth in the prior office action of paper number 15.

9. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (US 5,740,549) in view of Judson (US 5,737,619), and in view Hawkins (Electronic Advertising), and further in view of Gifford (US 5,724,424) as set forth in the prior office action of paper number 15.

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10. Claims 48-49, 54-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (US 5,740,549) in view of Judson (US 5,737,619) as set forth in the prior office action of paper number 15.

### **Response to Arguments**

Applicant asserted that combining Reilly with the Judson reference again does not aid in supporting the section 103 rejection because Judson does not disclose loading advertising software which creates an advertising area separate from the browsing area. The examiner disagrees with the applicant's assertion because Reilly does disclose the step of loading the advertisement software which creates an advertising area, and combining the advertising software of Reilly with the browser of Judson is what makes the advertisement software and the browser to be operated separately. The examiner notes that applicant does not correctly argue or address the motivation to combine the Reilly and the Judson reference. Although applicant does not correctly argue or address the motivation to combine, the examiner notes that the motivation to combine had already been recited in the prior office action. Furthermore, the examiner also notes that applicant also fails to correctly address all references that have been cited/used in the prior office action.

### **Conclusion**

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703)308 -9585. The examiner can normally be reached on Mon-Thurs. from 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on (703) 305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746 -7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-3900.

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Romain Jeanty

November 5, 2001.

SAM RIMBLL  
PRIMARY EXAMINER  
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